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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,500	09/12/2000	Aaron D. Hanson	2452-16	6594

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EXAMINER

PRIETO, BEATRIZ

ART UNIT PAPER NUMBER

2142

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/660,500

Applicant(s)

HANSON ET AL.

Examiner

Prieto B.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-27, 30-52 and new 53-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 23-27, 31-38, 40-44, 46-52, 53-56 is/are rejected.
- 7) ☒ Claim(s) 22, 30, 39 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/06 &amp; 6/06</u> . | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/18/06 has been entered. Claims 21-27, 30-52 and new 53-56 remain pending.

***Claim Objections***

2. Claims 22, 30, 39, 45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As a minor point noted, Applicant's attention is directed to new claim 56 as being dependent to claim 42, which seems not to follow the pattern of the other new claims (just in case it's a typo), otherwise, respectfully, disregard this remark.

***Claim Rejection under 35 USC §103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21, 23-27, 31-38, 40-44, 46-52, 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et. al. (US 6,006,090) in view of Kubler et. al. (US 5,726,984) referred to as Coleman and Kubler, respectively, hereafter.

Regarding claim 21, Coleman discloses a method for maintaining in a communication during a session over first and second disjoint networks between at least first and second computing devices (abstract, col 1/lines 43-47) including maintaining communication while roaming to another network by the second computing device (col 3/lines 14-20), the first computing device is a stationary (S) and the second device comprising a mobile device (WS' of Fig. 2), the method comprising

using a first and second point of access to contact the first computing device (col 3/lines 43-44, point of access thereto col 1/lines 19-20), communicating over a first network (e.g. network ID #3) between the first computing device and said second mobile computing device via said first access point and communication over the second network (e.g. network ID #4) between the first computing device and said second mobile computing device via said second access point (Fig. 2, col 3/lines 1-20), wherein the first and second networks are disjoint (Fig. 2, i.e. wherein a device interconnects one sub-net to one other sub-net, col 2/lines 17-22, where each segment "cable" is associated with a network identifier col 3/lines 44-46);

providing during initialization a list of points of access identifiers for use in at least in part identifying the first computing device for connection thereto (col 4/lines 10-14) and for use when roaming to another network segment by the mobile device (col 4/lines 15-20), providing the access point i.e. the address that connect to the same server or set if server accessible over another network, (see col 4/lines 10-19);

said at least one further network identifier being at least in part different from said first

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network identifier to contact/connect the first computing device (col 4/lines 12-14, 50-51) when roaming to another network (col 3/lines 14-20) using an alternative point of access to the first computing device for communicating therewith (col 4/lines 15-24);

thereby allowing communications between the first and second computing devices to continue even though said network identifier is variable (col 4/lines 58-63, col 3/lines 62-64) although the alternative access point (e.g. AP2 or AP3) to the first computing device (server) for use on the second disjoint network (e.g. network #4 or network #5, respectively) from the first network (e.g. network #3) is used when roaming from the first network to the second network, is supplied the network identifier interface access point to connect to the same server or a set of servers over a second network, the applied reference does not explicitly disclose where this is provided over the first network.

Kubler disclose communicating access point information to facilitate roaming of portable/mobile devices over a first network for use when communicating over a second network, where the mobile device is initially configured with the information regarding with the access point of the network the mobile device is connected to, the mobile device is subsequently supplied over a first network (Fig. 14) information regarding neighboring access points including access points on other networks, the information in the form of a message contains the addresses of the neighboring access point, which the mobile device uses for roaming between the respective access points coverage areas including different nets (Fig. 14 and column 29/lines 5-29, column 42/lines 23-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Kubler for providing the network identifier to a mobile computing device over a second network for use when moving into the second network without going through an acquisition phase of a new access point, thus eliminating search time.

Regarding claim 23, the sending comprises sending data (so called "distributed interface data") to the second mobile computing device over the first network (Kubler Fig. 14 and column 29/lines 5-29, column 42/lines 23-30).

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Regarding claim 24, physically attaching a network interface adapter (e.g. wireless LAN adapter) associated with said second mobile computing device to said first/second network (Coleman col 3/lines 1-7 mobile computing device configured to connected to networks #3-5, on Fig. 2).

Regarding claim 25, wherein said first network provides a network point of attachment (Coleman Fig. 2), and said communicating over the first network comprises establishing wireless communications between said second, mobile computing device and the network point of attachment (Coleman col 3/lines 1-20) including communicating wirelessly over the point of attachment (Coleman Fig. 2).

Regarding claim 26,

establishing communications between the mobile computing systems and network computer device “network computing system” via a first network segment supporting bidirectional radio communication to the computer device (Coleman col 3/lines 1-5);

sending to the mobile computing systems, via the first network segment, network identifier information for use in communicating with said network computing system via at least two “plural” network segments being disjoint from the first network segment (Coleman Fig. 2, col 4/lines 10-20 and Kubler Fig. 14, column 29/lines 5-29, column 42/lines 23-30);

using said network identifier information to communicate between the mobile computing systems and the network computing system via any of said plural further network segments (Coleman: col 3/lines 43-44, and Kubler col 29/lines 5-29); and

enabling communication “conditioning access to communications” over said plural further network segments with said network computing system (Coleman col 3/lines 1-20);

protecting at least some of said plural further network segments from unauthorized communications based at least in part on said network identifier information by sending via the network identifiers to devices in their coverage area (Kubler col 42/lines 23-30); where the sending to the mobile computing system over the first network, network identifiers

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for use over the second network is in the form of a broadcast message, i.e. intended for a group of address, thus preventing (called “protecting”) some network segments from communications (called “unauthorized”) based at least in part on the network identifier information necessary for communicating thereon (see Kubler: col 19/lines 44-51 and col 24/lines 40-55).

Regarding claim 27, said network identifier information comprises data (so called “distributed interface data”) network identifier (Coleman see col 4/lines 50-51, where the access point comprises a network adapter col 3/lines 5-7).

28-29 (Canceled)

Regarding claim 31, this claim comprises limitation(s) substantially the same as those discussed on claim 24, same rationale of rejection is applicable.

Regarding claim 32, if the first mobile computing system roams into any one of the plural further network segments and detects that it has roamed onto a different network segment, the first mobile computing system selects an applicable network address to communicate with the network computing system via said different network segment into which said first mobile computing system has roamed (Coleman: when roaming col 3/lines 14-20 using an alternative point of access to the first computing device for communicating therewith col 4/lines 10-24, 50-51).

Regarding claims 33-37, selects said applicable network address based on a measurable/computable value (called metric) (Kubler: clock “speed”, cost, number of access intervals (so called availability) and number of hops see col 29/lines 5-29).

Regarding claim 38, comprises limitations substantially the same as those discussed on claim 1, same rationale of rejection is applicable. Further limitations include: a first and second network (Coleman Fig. 2); a node first network device coupled to the first network (Coleman S Fig. 2); a

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second mobile network device also coupled to the first network (Coleman WS Fig. 2), a data transmitter coupled to the first network, said data transmitter sending, to the second network device over the first network (router functionalities as the mobiles computing device driver enable communication between nodes col 2/lines 3-25 and col 3/lines 23-28).

Regarding claim 40-42, these claims are substantially the same as those discussed on claims 23-25, respectively, same rationale of rejection is applicable.

Regarding claim 43, this system claim comprises substantially, the same limitations as those as discussed on claims 21 and 26, where the system further includes a “data transmitter” that transmits and “policy manager” that supports communication for performing the sending and conditioning access functions discussed therein, same rationale of rejection is applicable.

Regarding claim 44, 46-47, and 48-52, this system claim comprises limitations substantially the same as those discussed on claims 23-24, and 32-37, respectively, same rationale of rejection is applicable.

Regarding claim 53, network identifiers comprise network addresses (Kubler: column 29/lines 5-29, column 42/lines 23-30), and wherein using the at least one further network identifier comprises using said further network address instead of said first network address to reach said first computing device via the second network (Coleman col 4/lines 12-24, 50-51, and col 3/lines 14-20) wherein said first and second disjoint networks do not share network address information there between (Coleman Fig. 2).

Regarding claims 54-56, these process claims comprises limitation substantially the same as those presented when discussing claims 21, 26, and 32, above, same rationale of rejection is applicable.

**Citation of Pertinent Art:**

The following prior art made of record and considered pertinent to applicant's disclosure. Copies of Non-Patent Literature documents cited will be provided as set forth in MPEP§ 707.05(a):

(US 6,970,434)

Mahany et. al. discloses providing intelligent data to support migration. Particularly, where access points transmit HELLO messages to devices in their coverage area; these HELLO messages communicate to roaming computing devices the cost of connection through the access point, addresses of neighboring access points, this information allows roaming computing devices to determine the lowest cost connection available and to connect to the access point with the lowest cost.

(US 6,839,755)

Kumpf et. al. discloses a network peripheral server discovery method, including sending to a mobile computing device over a network at least one network identifier for use in at least part identifying a stationary computing device. Particularly, a network identifier to identify a computing device, sending SAP packets indicated the type of service being offered, as well as a network access point, i.e., network and socket address, which clients can use when accessing the server, the packets are periodically broadcast by servers and other service providers to advertise their services on the network.

6. Applicant's arguments with respect to at least claims 21, 26, 38, and 43 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Thursday from 5:30 to 2:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see <http://pair-direct.uspto.gov> or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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B. Prieto  
Primary Examiner  
TC 2100  
November 8, 2006

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